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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,070	10/25/2001	Wanda Green Thompson	RCA 89470	8767

7590 04/18/2007
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EXAMINER

PENG, FRED H

ART UNIT	PAPER NUMBER
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2623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/018,070

Applicant(s)

THOMPSON ET AL.

Examiner

Fred Peng

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/27/2006 has been entered.

DETAILED ACTION

Response to Arguments

2. Applicant's arguments with respect to claims 6-13 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's arguments on pages 4-5 of the 09/25/2006 Remarks, the newly added claims 6-13, in particular, Claims 6 and 13. Applicant argues that Macrae does not teach or suggest the first type of advertisement and a second type of advertisement in the EPG, wherein the first type of advertisement is displayable in response to user navigation within said EPG and the second type of advertisement is displayable independently of user navigation within said EPG (page 4 lines 15-23, page 5 lines 1-2).

Examiner respectfully disagree applicant's arguments. Macrae does teach or suggest the first type of advertisement and a second type of advertisement in the EPG, wherein the first type of advertisement is displayable in response to user navigation within said EPG (Para 328, Ad is displayed based on the selected program within the EPG, first type of advertisement) and the second type of advertisement is displayable independently of user navigation within said EPG (Para 249, Ad placeholder is independently of user navigation within the EPG).

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Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 6-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Macrae et al (US 2003/0208756 A1).

Regarding Claims 6 and 10, Macrae discloses a system with corresponding method for providing advertisements in an electronic program guide (FIG.1, Para 27), comprising steps of:

first means for receiving and storing a plurality of advertisements (Para 329 lines 1-4);

second means for enabling a user to access said electronic program guide (FIG.2, 26, Para 28, Para 29, and Para 40, combination of remote control and central processor); said second means determining whether a first type of advertisement exists in said stored advertisements, said first type of advertisement being displayable in response to user navigation within said electronic program guide (Para 327 lines 5-22, Para 328, Ad is displayed based on the selected program);

said second means enabling display of a second type of advertisement if said first type of advertisement does not exist in said stored advertisements, said second type of advertisement being displayable independently of user navigation within said electronic program guide (Para 249, Ad placeholder is independently of user navigation); and

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said second means enabling display of said first type of advertisement in response to detecting user navigation within said electronic program guide if said first type of advertisement exists in said stored advertisements (Para 328 lines 6-11).

Regarding Claims 7 and 11, Macrae further discloses first type of advertisement is stored in a first queue (Para 327 lines 1-3, 17-19, first type of advertisement is stored in the RAM), and said second type of advertisement is stored in a second queue (Para 249 lines 1-4, second type of advertisement is stored in ROM).

Regarding Claims 8 and 12, Macrae further discloses first type of advertisement includes pre-defined control data (Para 327 lines 4-9, Para 328 lines 1-4, pre-defined control data is either category labels or viewer profile information) and said second type of advertisement does not include said pre-defined control data (Para 248, Ad placeholder does not include said pre-defined control data).

Regarding Claims 9 and 13, Macrae further discloses first type of advertisement includes a descriptor indicating at least one of a specific channel and a specific program (Para 32, FIG.1, -52, Para 38).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Peng whose telephone number is (571) 270-1147. The examiner can normally be reached on Monday-Friday 08:30-18:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fred Peng
Patent Examiner

Chris Grant
Supervisory Patent Examiner



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